

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INA STEINER, DAVID STEINER, and)	
STEINER ASSOCIATES, LLC,)	
)	
Plaintiffs,)	Civil Action No. 21-CV-11181-DPW
)	
v.)	
)	
EBAY INC., et al.,)	
)	
Defendants.)	
)	

**UNOPPOSED MOTION OF EBAY, INC. FOR EXTENSION OF TIME
TO FILE REPLY AND TO EXCEED PAGE LIMITS**

Defendant eBay, Inc. (“eBay”), through its undersigned counsel, hereby moves to extend eBay’s deadline to file a reply brief in support of its partial motion to dismiss from June 6, 2022, to June 24, 2022, and to permit eBay to file a reply brief of up to 20 pages. As grounds for this motion, eBay states as follows:

1. Currently pending before the Court is eBay’s motion to partially dismiss the complaint in this action (the Motion to Dismiss). ECF 89. Prior to filing its Motion to Dismiss, eBay sought, and was granted, leave to submit a reply brief of not more than 15 pages not more than 14 days following the Plaintiffs’ opposition to the Motion to Dismiss. See ECF 65 and 67.

2. Following eBay’s filing of the Motion to Dismiss, Plaintiffs Ina and David Steiner (“Steiners,” and with Steiner Associates, LLC, “Plaintiffs”) sought and obtained an extension up to and including January 31, 2022 to file a consolidated Opposition to the Defendants’ Motions to Dismiss (“Opposition”). ECF 100.

3. On January 29, 2022, Plaintiffs and eBay jointly moved to stay proceedings for 90 days to allow them to engage in mediation with a goal of resolving this matter. ECF 108. The Court granted the motion on February 7, 2022. ECF 112.

4. Because the mediation was unsuccessful, the stay lifted on May 8, 2022. One day before then, Plaintiffs moved to extend their deadline for filing their Opposition by another two weeks, to May 23, 2022. ECF 113. The Court granted that motion on May 9. ECF 114.

5. On May 23, 2022, Plaintiffs filed their Opposition. ECF 117.

6. Plaintiffs' Opposition is 83 pages and attaches a 545 page appendix. ECF 117.

7. Given the length of Plaintiffs' Opposition and the volume of materials included in their appendix, additional time and pages will better enable eBay to prepare its reply brief and identify the issues before the Court at this stage. This will further assist the Court in considering the issues raised in the Motion to Dismiss and Plaintiffs' opposition.

8. A modest extension of time for eBay to file its reply brief will not prejudice the parties to this action.

9. Undersigned counsel conferred with the other counsel about this motion and none oppose it.

WHEREFORE, eBay respectfully requests that this Court enter an order extending the time for eBay to file its reply brief through and including June 24, 2022, and enlarging the page-limit for the reply brief to 20 pages.

Dated: May 27, 2022

Respectfully submitted,

/s/ Jack W. Pirozzolo

Jack W. Pirozzolo (BBO #564879)

Kathryn L. Alessi (BBO #651110)

SIDLEY AUSTIN LLP

60 State St., 36th Floor

Boston, MA 02109

Tel. (617) 223-0300

jpirozzolo@sidley.com

kalessi@sidley.com

Scott T. Nonaka (*pro hac vice*)

SIDLEY AUSTIN LLP

555 California St. Suite 2000

San Francisco, CA 94104

Tel. (415) 772-1285

snonaka@sidley.com

Daniel J. Feith (*pro hac vice forthcoming*)

SIDLEY AUSTIN LLP

1510 K St. NW

Washington, D.C. 20005

Tel. (202) 736-8511

dfeith@sidley.com

Counsel for eBay Inc.

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Jack W. Pirozzolo, counsel for eBay, hereby certify that, in accordance with Local Rule 7.1(A)(2), counsel for eBay has conferred with counsel for Plaintiffs, who does not oppose the relief requested in this motion. I further certify that I have also conferred with counsel of record for the remaining parties in this matter and received no objection to the relief requested herein.

Dated: May 27, 2022

/s/ Jack W. Pirozzolo
Jack W. Pirozzolo

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2022, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: May 27, 2022

/s/ Jack W. Pirozzolo
Jack W. Pirozzolo